

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF IOWA,
STATE OF MINNESOTA, STATE OF
NEBRASKA, STATE OF OREGON,
STATE OF TEXAS, and STATE OF
WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC,
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**DECLARATION OF JAMES H.
WEINGARTEN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS'
COMPLAINT AND REQUEST FOR
INITIAL PRETRIAL
CONFERENCE**

I, James H. Weingarten, do hereby declare and state as follows:

1. I am an active member in good standing of the bars of the District of Columbia and the State of New York. I am Deputy Chief Trial Counsel for the Bureau of Competition of the Federal Trade Commission ("FTC"), an agency of the United States Government, and I am representing the FTC in the above-captioned action. I have personal knowledge of the matters set forth in this declaration.

2. I respectfully submit this Declaration in support of Plaintiffs' Opposition to Defendants' Motion for Extension of Time to Respond to Plaintiffs' Complaint and Request for Initial Pretrial Conference.

3. Attached as Exhibit A is a true and correct copy of an email chain between counsel for Plaintiffs and counsel for Defendants in this action.

4. Attached as Exhibit B is a true and correct copy of an email chain between counsel for Plaintiffs and counsel for Defendants in this action.

5. Counsel for the parties in this action met and conferred on November 15. Defendants reiterated their position that a Rule 26(f) conference would be premature. Plaintiffs sought to discuss a schedule for Defendants' responses to the complaint and any related motion practice. Defendants declined to discuss any specific scheduling proposals at that time.

6. Counsel for the parties met and conferred on November 21. Defendants informed Plaintiffs of their intent to move for an indefinite delay of Defendants' deadline to respond to the Complaint.

7. Attached as Exhibit C is a true and correct copy of an email chain between counsel for Plaintiffs and counsel for Defendants in this action.

8. Attached as Exhibit D is a true and correct copy of an excerpt from the transcript of the February 27, 2020 status conference in *FTC v. Surescripts, LLC*, No. 1:19-cv-01080-JDB (D.D.C.).

9. Attached as Exhibit E is a true and correct copy of an April 13, 2017 Order issued in *FTC v. Qualcomm Inc.*, No. 5:17-cv-00220-LHK (N.D. Cal.).

10. Attached as Exhibit F is a true and correct copy of a February 28, 2020 Order issued in *FTC v. Surescripts, LLC*, No. 1:19-cv-01080-JDB (D.D.C.).

11. Attached as Exhibit G is a true and correct copy of a Joint Stipulation and Discovery Coordination Order issued in *FTC v. Qualcomm Inc.*, No. 5:17-cv-00220-LHK (N.D. Cal.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 2, 2022.

/s/ James H. Weingarten

James H. Weingarten